

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

April 1, 2019

BCO-058

No. 19-8005

COMMONWEALTH OF PENNSYLVANIA,  
by Attorney General Josh Shapiro

v.

NAVIENT CORPORATION;  
NAVIENT SOLUTIONS, LLC,  
Petitioners

(M.D. Pa. No. 3-17-cv-01814)

Present: AMBRO, KRAUSE and PORTER, Circuit Judges

1. Petition by Petitioners for Permission to Appeal under 28 U.S.C. Section 1292(b) with Addendum;
2. Response In Opposition;
3. Motion by Petitioners for Leave to File Reply in Support of Petition for Permission to Appeal with attached Reply.

Respectfully,  
Clerk/pdb

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ORDER

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The foregoing motion for leave to file a reply is granted, and the petition for interlocutory review is granted in part and denied in part. Although an appellate court may exercise interlocutory jurisdiction over any issue “fairly included” in the certified order, *Yamaha Motor Corp., U.S.A. v. Calhoun*, 516 U.S. 199, 205 (1996), we certify only the following two questions for interlocutory review: (1) whether the Commonwealth of Pennsylvania may bring a parallel enforcement action under the Consumer Financial Protection Act after the Consumer Financial Protection Bureau has filed suit and (2) whether the Higher Education Act preempts the Commonwealth’s loan-servicing claims under Pennsylvania’s Unfair Trade Practices and Consumer Protection

Law (UTCPL). Petitioner's request to certify the question whether the Commonwealth has adequately pleaded a claim for injunctive relief under the UTCPL is denied. *See Commonwealth v. Percudani*, 844 A.2d 35, 44–46 (Pa. Commw. Ct. 2004).

By the Court,

s/ Cheryl Ann Krause  
Circuit Judge

Dated: April 30, 2019  
PDB/cc: All Counsel of Record



A True Copy:

*Patricia S. Dodszeuweit*

Patricia S. Dodszeuweit, Clerk